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OFFICE OF PETITIONS

IMMUNEX CORPORATION
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE WA 98119

In re Patent No. 7,638,606	: DECISION ON REQUEST
Issued: December 29, 2009	: FOR RECONSIDERATION
Application No. 10/578,410	: OF PATENT TERM ADJUSTMENT
Filed: March 5, 2007	: AND
Attorney Docket No. 3492-US-PCT	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on February 26, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 240 days to 446 days. The petition filed July 30, 2009 is acknowledged and in view of the issuance of the patent, the Office will consider the PTA request of February 26, 2010 and not the petition filed July 30, 2009.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by four hundred forty-six (446) days is **GRANTED**.

The calculation of delay pursuant to 37 CFR 1.702(b) is based on a national stage commencement date of May 8, 2006. May 6, 2006 was a Saturday, therefore commencement occurs on the next business day. Accordingly, the "B" delay period, the over three year period begins on May 8, 2006, the date the national stage commenced under 35 U.S.C. 371(f), and ends on December 29, 2009, the day the patent issued and is 235 days.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred forty-six (446) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,638,606 B2

DATED : December 29, 2009

INVENTOR(S) : Paul J. Carter

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (240) days

Delete the phrase “by 240 days” and insert -- by 446 days--